

E N D O R S E M E N T

KEVIN KILELEE v. DOW CHEMICAL COMPANY
04-CV-12130-MEL

LASKER, D.J.


Kevin Kilelee ("Kilelee") moves for leave to respond to Dow Chemical Company's ("Dow Chemical") motion to dismiss and moves to file an amended complaint.

On December 22, 2004, the Court granted Dow Chemical's motion to dismiss due to Kilelee's tardiness in filing an opposition. Kilelee's motion of December 27, 2004, was therefore submitted after the case was closed and is denied as moot. However, the motion is denied without prejudice to Kilelee moving to reopen the case.

Accordingly, the plaintiff's motion for leave to respond and to amend the complaint is DENIED without prejudice.

It is so ordered.

Dated: January 13, 2005
Boston, Massachusetts


/s/ Morris E. Lasker
U.S.D.J.